

1 HONORABLE RONALD B. LEIGHTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HENRY AND NANCY HEWITT,

Plaintiff,

v.

WELLS FARGO BANK and QUALITY
LOAN SERVICES,

Defendant.

CASE NO. 3:19-cv-05247-RBL

ORDER ON APPLICATION TO
PROCEED *IN FORMA PAUPERIS*

THIS MATTER is before the Court on Plaintiffs' Declaration and Application to Proceed *In Forma Pauperis* and Written Consent for Payment of Costs. Dkt. #1. Plaintiffs have stated that they are retired and receive social security in the amount of \$19,920 per year and have an additional \$1,200 in cash and in checking accounts.

Plaintiffs failed to provide evidence of indigency sufficient to merit leave to proceed *in forma pauperis*. Despite substantial monthly expenses and negligible savings, Plaintiffs are retired and receive roughly \$20,000 per year in social security payments, in addition to possessing other limited savings. The Court allows litigants to proceed *in forma pauperis* only when they have sufficiently demonstrated an inability to pay the filing fee. This generally includes incarcerated individuals with no assets and persons who are unemployed and dependent

1 on government assistance. *See, e.g., Ilagan v. McDonald*, 2016 U.S. Dist. LEXIS 79889, at *2
2 (D. Nev. June 16, 2016) (granting petition based on unemployment and zero income); *Reed v.*
3 *Martinez*, 2015 U.S. Dist. LEXIS 80629, at *1, 2015 WL 3821514 (D. Nev. June 19, 2015)
4 (granting petition for incarcerated individual on condition that applicant provides monthly
5 payments towards filing fee). It does not include those whose access to the court system is not
6 blocked by their financial constraints, but rather are in a position of having to weigh the financial
7 constraints pursuing a case imposes. *See Sears, Roebuck & Co. v. Charles W. Sears Real Estate,*
8 *Inc.*, 686 F. Supp. 385, 388 (N.D. N.Y.), *aff'd*, 865 F.2d 22 (2d Cir. 1988) (denying petition to
9 proceed IFP because petitioner and his wife had a combined annual income of between \$34,000
10 and \$37,000). Plaintiffs have failed to demonstrate a level of economic necessity similar to those
11 who have received IFP status.

12 For this reason, Plaintiffs' Application for Leave to Proceed *in forma pauperis* [Dkt. #1]
13 is DENIED. Plaintiffs shall pay the filing fee or voluntarily dismiss their claims within 21 days
14 of this order. Otherwise, their petition will be dismissed without further notice.

15 IT IS SO ORDERED.

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17 Dated this 11th day of April, 2019.

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21 Ronald B. Leighton
22 United States District Judge
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